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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,026	04/12/2000	Steen M. Matzen	196-1203	5394

7590 03/26/2002

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PO Box 2786  
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EXAMINER

DICKENS, CHARLENE

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# BEST AVAILABLE COPY

## Office Action Summary

Application No.

09/548,026

Applicant(s)

MATZEN

Examiner

DICKENS

Group Art Unit

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— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

☒ Responsive to communication(s) filed on 1-11-02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

☒ Claim(s) 18-35 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 18-35 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachments

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. Claims 18-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe in detail a checking unit which produces an error message whenever the time ascertained differs by more than a predetermined difference from a given value, yet this limitation is claimed in combination with other recited claimed limitations.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaertner (US Pat 4,784,000). Gaertner teaches an electromagnetic flowmeter arrangement having a measuring tube 13, a coil arrangement 17 for generating a magnetic field substantially perpendicular to the direction of flow through the measuring tube (col. 4, lines 10-16, an electrode arrangement 21 substantially perpendicular to the direction of flow and to the

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magnetic field (col. 4, lines 16-18), a supply system 19 for the coil arrangement which has a current direction change-over arrangement 25, and a testing device (61, 71), the testing device including means 71, which, after a change-over of the current direction, determines at least one parameter of the rise in the current in the coil arrangement and compares the parameter with a given value and a checking unit which checks to see if the time ascertained differs by more than a predetermined difference from a given value (col. 9, lines 3-45). The steps in the claimed method of claims 18-27 are deemed to be clearly anticipated by the functions of the structure of the apparatus discussed above.

4. Applicant's arguments filed 1-11-02 have been fully considered but they are not persuasive. The applicant argues Gaertner's method cannot provide any information about the dynamic magnetic behavior of the coil such as a rise in the current in the coil arrangement. The Examiner disagrees with this argument. Gaertner primary objective is to provide a coil driver system which automatically compensates for magnetic flowmeter variations such as coil resistance, coil temperature and coil inductance, i.e., variation in coil current, and the like. Applicant goes on to argue Gaertner does not teach a reference value be determined from the flowmeter at an earlier time. To this argument the Examiner asserts the current is

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sampled at predetermined times. Since sampling is done at different times, thus there is a reference value that is determined from the flowmeter at an earlier time. Accordingly, Gaertner does teach the claimed invention and all of the above arguments are found not to be persuasive.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this or earlier communications from the examiner should be directed to Charlene Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be

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directed to the Technology Center's receptionist whose telephone number is (703) 308-1782. The fax numbers for the Center are (703) 305-3431 and (703) 305-3432.



cd/dickens  
March 17, 2002



Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800